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- Units of local government<sup>3</sup>;
- Indian tribal governments; and
- State, tribal, territorial, and local courts (including juvenile courts).

For the purpose of this Program, **a unit of local government** is any city, county, township, town, borough, parish, village, or other general-purpose political subdivision of a State; an Indian tribe that performs law enforcement functions as determined by the Secretary of Interior; or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and any Trust Territory of the United States.

### **Notice to Tribal Applicants**

The Violence Against Women and the Department of Justice Reauthorization Act of 2005 (VAWA 2005) created a new program, the Grants to Indian Tribal Governments Program, tailored to the needs of tribal governments in responding to domestic violence, dating violence, sexual assault, and stalking. This program combines the purpose areas from several existing programs including this one. While tribal governments are still eligible applicants within the Arrest program, there is no longer a tribal set-aside within the Arrest program. VAWA 2005 requires funds set-aside for tribal governments to be transferred to the new tribal program. Tribes will no longer need to submit several applications for multiple purposes. They will now be able to apply for all of the purposes within one application through the new program. The solicitation for the Grants to Tribal Governments Program is expected to be available in January 2008. Notwithstanding the new grant program, all eligible applications from Indian Tribal governments submitted under this solicitation will be considered for funding.

Non-eligible entities include, but are not limited to:

- Police departments;
- Pre-trial service agencies;
- District or city attorneys' offices;
- Sheriffs' departments;
- Probation and parole departments;
- Shelters;
- Nonprofit, nongovernmental victim service agencies; and
- Universities.

The above entities are not units of local government for the purposes of this grant unless they meet the "unit of local government" definition provided in 42 U.S.C. § 3791 (see footnote three below). Applications from typically "non-eligible" entities that want to assert "unit of local government" under status 42 U.S.C. § 3791 must include proof of such status. The aforementioned agencies or organizations while not eligible to apply directly for funding may assume responsibility for the development and implementation of the project, but they must apply through a State; state, local, territorial or tribal court; Indian tribal government; or a unit of local government. Nonprofit, nongovernmental victim service agencies may include faith-based or community-based organizations.

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<sup>3</sup> As defined in 42 U.S.C. § 3791, "unit of local government" also includes any law enforcement district or judicial enforcement district that is established under applicable State law and has the authority to, in a manner of independent of other State entities, establish a budget and impose taxes.

### **Certification of Eligibility**

According to 42 U.S.C. § 3796hh(c), to be eligible to receive funding through this Program, applicants must:

- (1) certify that their laws or official policies—
  - (A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and
  - (B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;
- (2) demonstrate that their laws, policies, **or** practices **and** their training programs discourage dual arrests of offender and victim;
- (3) certify that their laws, policies, **or** practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and
- (4) certify that their laws, policies, **and** practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal or local jurisdiction; and
- (5) certify that, not later than January 5, 2009, their laws, policies, or practices will ensure that—

(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; **and**

(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense.

By statute, 42 U.S.C. § 3796hh-1(a)(1), all applications must include a certification by the **chief executive officer** of the State, Indian tribal government or local government entity that conditions listed above are met or will be met by the statutory deadline. **Current grantees that do not meet all eligibility requirements at the time of application, with the exception of certification #5, will not be considered for funding. All other applicants have until the end of their next legislative session to fulfill the certification provisions #1-4, and until the January 5, 2009 to fulfill certification #5.**

In addition to the certifications listed above, under 42 U.S.C. § 3796hh(d), all State and units of local government which receive Arrest Program funding shall not be entitled to 5 percent of their total funds allocated under their Arrest Program grant unless the State or unit of local government:

- (1) certifies that it has a law or regulation that requires:
  - (A) The State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours

- after the date on which the information or indictment is presented;
- (B) as soon as practicable notification of the victim, or parent and guardian of the victim, and defendant of the testing results; and
- (C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); **or**
- (2) gives the Attorney General assurances that its laws and regulations will be in compliance with requirements of paragraph (1) within the later of
  - (A) the period ending on the date on which the next session of the State legislature ends; **or**
  - (B) January 5, 2008.

**A Special Condition will be added to all Arrest Program grants to States and units of local government that are funded in Federal Fiscal Year 2008 to ensure compliance with the new certification listed above. It is not necessary to address this in your certification letter signed by your Authorizing Official; however you may do so if you are already compliant.**

**Submission of State, tribal and/or local statutes, laws and policies in lieu of a letter with proper certifications signed by the chief executive officer will not satisfy these statutory requirements. Applicants will not be contacted by OVW to correct certification letters.**

Sample Letters of Certification of Eligibility and quick tips for completing the Certification of Eligibility are included in Appendix B. Please review carefully the letter to be included prior to the completion and submission of the application.

### **Funding to Faith-Based and Community Organizations**

Consistent with President George W. Bush's Executive Order 13279, dated December 12, 2002, and 28 C.F.R. Part 38, it is DOJ policy that faith-based and community organizations that statutorily qualify as eligible applicants under DOJ programs are invited and encouraged to apply for assistance awards to fund eligible grant activities. Faith-based and community organizations will be considered for awards on the same basis as any other eligible applicants and, if they receive assistance awards, will be treated on an equal basis with all other grantees in the administration of such awards. No eligible applicant or grantee, will be discriminated for or against on the basis of its religious character or affiliation, religious name, or the religious composition of its board of directors.

Faith-based organizations (FBOs) receiving DOJ assistance awards retain their independence and do not lose or have to modify their religious identity (e.g., removing religious symbols) to receive assistance awards. DOJ grant funds, however, may not be used to fund any inherently religious activity, such as prayer or worship. Inherently religious activity is permissible, although it cannot occur during an activity funded with DOJ grant funds; rather, such religious activity must be separate in time or place from the DOJ-funded program. Further, participation in such activity by individuals receiving services must be voluntary. Programs funded by DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.

In order to ensure compliance with both the applicable anti-discrimination provision in the Omnibus Crime Control and Safe Streets Act (42 USC 3789d(c)(1)) and the Religious Freedom Restoration Act (RFRA), additional certifications will be required where an FBO seeking federal funding under this program makes hiring decisions on the basis of religious belief (see the Department's position paper at [www.usdoj.gov/fbci/effect-rfra.pdf](http://www.usdoj.gov/fbci/effect-rfra.pdf)). Additional information concerning the certifications requirements will be forthcoming.

NOTE: Faith-based and community organizations are eligible to apply for Arrest Program sub-grants. However, all programs must apply through their respective states for such funding.

Applicants are also encouraged to review the Civil Rights Compliance section under “Additional Requirements” in this announcement.

## **OVW Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program – Specific Information**

### **Types of Applicants**

In Federal Fiscal Year 2008, OVW will accept applications for the Arrest Program from current grantees and new applicants.

**New applicants** include applicants who are not currently receiving funds through the Arrest Program and current grantees whose projects will expire on or before the Federal Fiscal Year 2008 Arrest Program application due date of January 17, 2008.

**Current grantees** include States, state and local courts, Indian tribal governments or units of local government that are currently implementing awards under the Arrest Program and whose grant award period ends after the Federal Fiscal Year 2008 Arrest Program application due date of January 23, 2008. Current grantees are eligible to apply for continuation or supplemental funding to support on-going activities or to enhance their project for an extended period of time. OVW has the discretion to make a supplemental or new award to a current grantee based on the project end date of the current award. For instance, funding under this solicitation may not be available before August 1, 2008. If selected for funding, a current grantee whose grant funds will be fully expended by April 1, 2008 may receive a new rather than a supplemental award. Applicants who may fall into this category should mention this in their application under the “status of the current project” section of the application. Current grantees who received new or supplemental funding for 24 months in Federal Fiscal Year 2007 are not eligible to apply.

**Current grantees should note that continuation or supplemental funding is not guaranteed.** All applications will be subject to internal review by OVW staff and peer review and will be scored according to the criteria set forth in this solicitation. Applications with the highest composite scores will be eligible to be considered for funding.

### **Availability of Funds**

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

### **Award Period**

The award period for these grants will be 24 months. **Budgets must reflect 24 months of project activity, and the total “estimated funding” (block 15) on the SF-424 must reflect 24 months.**

### **Award Amounts**

Applicants should carefully consider the resources needed to successfully implement the project proposed and present a realistic budget that accurately reflects project costs. Budget caps will be considered based on the following service area population formula:

<u>Service Area Population*</u>	<u>Budget Cap</u>
Up to 500,000	\$ 400,000



500,001 to 900,000  
Over 900,000

\$ 750,000  
\$1,500,000

**\*Applications should include a service area map identifying the area to be served.**

Notwithstanding the aforementioned budgetary caps, OVW may negotiate the scope of work with applicants and adjust budgets accordingly prior to granting an award. Additionally, OVW may remove from further consideration applications that exceed the solicitation's budgetary caps. Continuation grant award amounts may also be reduced to reflect the spending pattern on the applicant's prior award.

### **Program Scope**

The scope of the Arrest Program is defined by the following statutory program purpose areas and program priority areas. Proposed projects must implement activities consistent with the statutory program purpose areas. Applicants are reminded that any activities, whether they are domestic violence, sexual assault, dating violence or stalking related, **must** fall within one of the following purpose areas.

During the OVW internal review, applications that are partially out of scope will receive up to a 25-point deduction. **Applications that propose projects that are substantially outside the scope of the Arrest Program statutory purpose areas will be disqualified from further funding consideration.**

### Statutory Purpose Areas

Under 42 U.S.C. § 3796hh(b), the Arrest Program supports projects that:

- Implement pro-arrest programs and policies in police departments, including policies for protection order violations;
- Develop policies, educational programs, protection order registries, and training in police departments to improve tracking of cases involving domestic violence, dating violence, sexual assault and stalking. Policies, educational programs, protection order registries, and training described in the application shall incorporate confidentiality, and privacy protections for victims of domestic violence, sexual assault, dating violence and stalking;
- Centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence, sexual assault, dating violence and stalking cases in teams or units of police officers, prosecutors, parole and probation officers, or judges;
- Coordinate computer tracking systems to ensure communication between police, prosecutors, parole and probation officers, and both criminal and family courts;
- Strengthen legal advocacy service programs for victims of domestic violence, sexual assault, dating violence and stalking, including strengthening assistance to such victims in immigration matters;
- Educate judges in criminal and civil courts (including juvenile courts) about domestic violence, sexual assault, dating violence and stalking and improve judicial handling of such cases;
- Provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of

protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions;

- Develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals<sup>4</sup> and individuals with disabilities;<sup>5</sup>
- Develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, sexual assault, dating violence and stalking, and develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse;
- Plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. **Although funds may be used to support co-location of project partners under this purpose area, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas;**
- Develop and implement policies and training for police, prosecutors, probation, and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals;
- Develop, enhance and maintain protection order registries. **Please note that funds can not be used to create sex offender registries;** and
- Develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification of counseling protocols<sup>6</sup>.

#### Program Priority Areas

By statute, 42 U.S.C. §3796hh-1(b), priority will be given to applicants that:

- Do not currently provide for centralized handling of cases involving domestic violence, sexual assault, dating violence and stalking by police, prosecutors, and courts;
- Demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence, sexual assault, dating violence or stalking including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);

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<sup>4</sup> As defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. § 3002).

<sup>5</sup> As defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12102(2)).

<sup>6</sup> Applicants wishing to address this purpose area must do so in conjunction with one of the other purpose areas listed above. Proposals focusing only on this purpose area may be removed from consideration.

- Have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions, including tribal jurisdictions; and
- Intend to utilize grant funds to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.

Also, OVW has an interest in projects that:

- Develop Sexual Assault Response Teams (SART) and support Sexual Assault Nurse Examiners (SANE) to actively respond to sexual assault victims;
- Involve faith-based and/or community-driven initiatives to address violence against women among diverse and traditionally underserved populations. If this interest area is included in your application, you must illustrate capacity and expertise in the budget and MOU section;
- Develop innovative programs to improve judicial handling of domestic violence, sexual assault, or dating violence cases (e.g., specialized courts or dockets for domestic violence cases, enhanced judicial monitoring of domestic violence offenders, or the creation or enhancement of technology to provide prosecutors and judge's access to case information on prior arrests);
- Address system accountability by conducting a safety audit of the jurisdiction's criminal justice system. OVW, however, will not consider applications that only propose to do a safety audit.

#### Program Guidelines

Applicants should also consider the following guidelines in response to this Solicitation:

#### **Direct Legal Representation**

Grant funds may not be used to provide legal representation in civil and criminal matters, such as family law cases (divorce, custody, visitation and child support), housing cases, consumer law cases and others. Grant funds may be used to provide legal representation to victims of domestic violence, sexual assault, dating violence, and stalking **only** in the limited context of protection order proceedings.

#### **Prevention Activities**

All applicants addressing prevention activities (e.g., implementation of educational programs regarding domestic violence or dating violence intervention and public awareness campaigns) will be considered out of scope and removed from consideration of funding. Grantees are only permitted to engage in outreach activities to inform potential victims about the availability of services.

#### **Family Violence**

Grant funds may not be used to directly address child abuse, or other family violence issues such as violence perpetrated by a child against a parent, or violence perpetrated by a sibling against another sibling.

## Children

Applicants may not use grant funds to provide direct services to children, children who witness domestic violence and/or services addressing child maltreatment, except where such services are an ancillary part of providing services to the child's parent who is a victim of domestic violence, sexual assault, dating violence or stalking such as providing child care services while the victim receives services. **In addition, funds may not be used to investigate or prosecute child abuse or child sexual abuse cases.**

### Activities that May Compromise Victim Safety

Ensuring victim safety is the guiding principle underlying the Arrest Program. Experience has shown that certain practices may compromise victim safety rather than enhance it. Certain responses by the authorities may have the effect of minimizing or trivializing the offender's criminal behavior. Accordingly, consistent with the goals of ensuring victim safety while holding perpetrators accountable for their criminal conduct, applicants are strongly discouraged from proposing projects that include activities that may compromise victim safety such as the following:

- Offering perpetrators the option of entering pre-trial diversion programs;
- Mediation or counseling for couples as a systemic response to domestic violence;
- Batterer intervention programs that do not use the power of the criminal justice system to hold batterers accountable for their behavior;
- Placement of perpetrators of domestic violence in anger management programs;
- Procedures that would force victims of violence to testify against their abusers or impose other sanctions on victims. Rather, procedures that provide victims with the opportunity to make an informed choice about whether to testify are encouraged.

### Unallowable Activities

Grant funds under the Arrest Program may not be used for any unauthorized purposes, including but not limited to the following activities:

- Lobbying or lobbying related activities;
- Fundraising;
- Research projects;
- Prevention and public awareness; and
- Physical modifications to buildings including minor renovations.

## Performance Measures

To assist in fulfilling the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measures the results of their work. Performance measures for this solicitation are as follows:

Objective	Performance Measures	Data Grantee Provides
Strengthen partnerships for safer communities and enhance the Nation's	1) the number and percentage of arrests relative to the number of police responses to domestic violence incidents;	This information will be provided to OVW through semi-annual progress report forms. Please go to:





- government, state or local court) applying for funding;
- The nonprofit, non-governmental victim services program collaborating on this project;
- Whether this is a new or continuation application;
- Whether this project is a local, tribal, multi-jurisdiction (involving 10 or more counties), statewide, regional (multiple states), tribal consortium or court project;
- The regional area(s) (city, town, tribal area, county, parish) where this project will be implemented; and
- The Arrest Program Statutory Purpose Areas and Priority Areas, if any, addressed by this proposal. Applicants are not required to address a Priority Area.

B. Abstract/Proposal Summary (one page)

The proposal abstract, when read separately from the rest of the application, is meant to serve as a succinct and accurate description of the proposed project and should concisely describe proposed project goals and objectives. Summaries of past accomplishments should be avoided in the abstract.

Abstract will be reviewed by the peer review panel according to the following criteria:

- Conciseness; and
- Accuracy in summarizing the Project Narrative.

C. Status of the Current Project (five pages)

**Only applicants for continuation funding need to complete this section. This section will be used for internal review only. The application may receive a deduction in points based on the criteria listed below.** This section should be provided on separate pages as it is a separate section from the program narrative and does not count toward the page limits of the narrative. State what activities have been accomplished with previous funding under the Arrest Program, including the following:

- A description of the goals and objectives from the prior grant period and a brief discussion of the status of the existing project;
- The status of any project products;
- Any unanticipated obstacles to project implementation;
- The approximate amount of unobligated funds as of December 30, 2007. If this figure will differ from the amount in the Department's financial systems, please include an explanation of the difference;
- The estimated amount of award funds that will be unobligated as of July 1, 2008 if any; the anticipated time line for expenditure of any remaining funds within the grant award period; whether the grantee anticipates requesting a no-cost extension of the award; and the likely timeline for such a request;
- A list of all OVW-sponsored technical assistance events attended during the life of the current award, including the title, location and date(s) of each.

This section should be as clear and succinct as possible.

**Additionally, current projects will be rated by OVW using the following criteria, which may result in not receiving continuation funding:**

- Whether progress reports submitted by the applicant, in conjunction with monitoring conducted by OVW, demonstrate the effectiveness of the current project, indicating progress toward meeting project goals and objectives, and demonstrate that the current





























Sincerely,  
**[Chief Executive Officer]**















